

DOCKET NO. SC13130TP

REMARKS

In an Office Action mailed May 3, 2005, pending claims 1-29 were examined. Claims 15-29 were allowed, claim 1 was rejected and claims 2-14 were objected to. In response, Applicants are herein amending claims 1, 3, 4 and 9 and canceling claim 2. Claim 9 is herein amended to independent form and Applicants authorize the payment of fees for an additional independent claim on page one of this communication. Applicants respectfully request the reconsideration and allowance of claims 1 and 3-14, thereby placing the application in condition for allowance.

Claim 1 was rejected under 35 U.S.C. 103(a) over Jones et al. (U.S. Pub. No. 20030132500 A1). The presumption that the claims were commonly owned at the time the invention covered therein was made is correct. Jones et al. does not teach or suggest removing the plurality of nanoclusters over a portion of a sacrificial layer. Jones et al. do not teach or suggest removing a sacrificial layer. Further, there is no teaching by Jones et al. why such steps would be needed or desired. The stated basis that such steps would be obvious to one of ordinary skill is not supported by any citation from Jones et al. or the other art made of record.

Objected claim 2 is placed into independent form through the amendment of claim 1 and thus claim 2 is canceled. Therefore, claim 1 and all dependent claims of claim 1 are in condition for allowance. Additionally, dependent claim 3 is amended to remove an inadvertent clerical error in connection with the recital of the "plurality of

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nanoclusters". Dependent claims 3 and 4 are also amended to recite an appropriate base claim. Additionally, objected claim 9 is placed in independent form by incorporating all of its base claim limitations. Applicants therefore request the allowance of claims 1 and 3-14, as amended herein, thereby placing the application in condition for allowance.

Applicants respectfully request consideration of the amendments and the allowance of claims 1 and 3-14, thereby placing the application in condition for allowance with claims 1 and 3-29 being granted. Should issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned at (512) 996-6839.

Respectfully submitted,

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